

## REMARKS

Claims 1-27 remain pending in the application. Reconsideration is respectfully requested in light of the following remarks.

### Section 103(a) Rejections:

The Examiner rejected claims 1, 2, 4-7, 9, 10, 11, 13-16, 18-20, 22-25 and 27 under 35 U.S.C. § 103(a) as being unpatentable over Herzog et al. (U.S. Publication 2002/0016840) (hereinafter “Herzog”) in view of Patel et al. (U.S. Patent 6,865,185) (hereinafter “Patel”), claims 3, 12 and 21 as being unpatentable over Herzog in view of Patel, and in further view of Baugher et al. (U.S. Patent 5,694,548) (hereinafter “Baugher”), claims 8, 17 and 26 as being unpatentable over Herzog in view of Patel and in further view of Colby et al. (U.S. Patent 6,006,264) (hereinafter “Colby”). Applicant respectfully traverses these rejections for at least the following reasons.

Regarding claim 1, the cited references fail to teach or suggest *a server system receiving a request for service from a client*. In rejecting claim 1, the Examiner cites Herzog (in paragraphs [0003], [0004]) as disclosing, “users generate packets for a video conferencing service.” Herzog is directed to systems and methods for controlling access and use of network resources (specifically, influencing the way data packets are handled by network nodes) through a hierarchical policy system. Paragraphs [0003] and [0004] describe that, traditionally, data packets are handled based on networking criteria contained in the packet header, and that this criteria may include an IP address, a port number, a protocol number, a user identifier, and an indication of the type of traffic being generated. **Applicant asserts that systems and methods for generating or handling data packets in a computer network are not analogous to (or even in the same filed of endeavor as) systems and methods in which an application server receives and service requests for service from clients or users.**

The cited references also fail to teach or suggest *wherein said request for service includes an encoding specifying a current user role and a requested service*. The Examiner submits that Herzog discloses these aspects of Applicant's invention (in paragraphs [0003], [0004], and [0034-0036]), noting, "the rule implies parsing packets for information (e.g., application, userid)", "providing different quality of service based on network and transport header information", "the packet identifies the user of a CEO", and "the packet identifies a video service." However, as noted above, these passages do not describe a request for service at all, much less that a request for service includes an encoding specifying a current user role and a requested service. Instead, they actually describe an example policy to be applied when a data packet (which is clearly not the same as a service request that is directed to an application server) includes a particular user id (which is not the same as a current user role) and a particular application (which is expressed as the type of data included in the data packet, and which is clearly not the same as a requested service). In the described example, the policy rule states that the priority should be "High" for a data packet in which the UserID=CEO and the type of data is Video. Again, this teaches nothing about the above-referenced limitations of a request for service that is directed to an application server.

In addition, the cited references fail to teach or suggest *in response to receiving the request for service: accessing pre-determined policy data, and establishing a quality of service context in the application server space based on the specified current user role included in said request for service and based on said policy data*. In rejecting claim 1, the Examiner submits that Herzog (in paragraphs [0033]-[0036]) discloses in response to receiving the request for service: accessing pre-determined policy data, and establishing a quality of service context based on the specified current user role included in said request and based on said policy data. The cited passage in Herzog describes that a super-administrator has authority over all policy rules, that a super-administrator can delegate a limited authority to a sub-administrator for defining or modifying policy rules, and that each rule is associated with an owner. As noted above, this passage also includes an example policy is to be applied when a data packet includes a particular user id and a particular application (which is expressed as the type of data included in the data packet).

In the described example, the policy rule states that the priority should be “High” for a data packet in which the UserID=CEO and the type of data is Video. In other words, this policy rule specifies that data packets being handled in a computer network that have these characteristics receive preferential treatment over some or all other data packets being handled in the computer network. Applicant asserts that such network-level policy rules clearly do not teach or suggest establishing a quality of service context in an application server space based on a current user role specified in a request for service directed to an application server.

Further regarding claim 1, the cited references fail to teach or suggest *propagating said quality of service context with said request for service in the server system, wherein said propagating comprises sending data indicating the quality of service context to an application server or application component in the server system along with the request for service.* In rejecting claim 1, the Examiner cites Patel (column 3, line 62 – column 4, line 2) as disclosing propagating said quality of service context with said request for service in the server system, wherein said propagating comprises sending data indicating the quality of service context with the request. Patel is directed to a system and method for queuing traffic in a wireless communication network. In Patel, packets for transmission include a flow identifier. The packets are assigned to one of a plurality of virtual groups that include discrete transmission resources based on a variety of parameters, including the flow identifier. **Appellant asserts that systems and methods for queuing transmission packets in a communications network are not analogous to (or even in the same filed of endeavor as) systems and methods in which an application server receives and service requests for service from clients or users.** The Examiner submits that Patel discloses incorporating a quality of service labels or tags (i.e. context) within each data packet to enable “enforcement of QoS treatments.” Appellant notes that the cited passage in Patel describes that labels or tags are inserted in front of each data packet indicating the forwarding equivalence class (FEC), which enables the enforcement of QoS treatments. In other words, the referenced labels or tags are not established based on a current user role and requested service included in a service request received from a client/user and then propagated along with the request in

the system, as the Examiner has suggested, but are inserted into a received transmission packet by the dynamic flow manager based on an included flow identifier. This clearly teaches nothing about propagating a quality of service context (according to the limitations of Applicant's claim) with a request for service in the server system, much less sending data indicating a quality of service context to an application server or application component in a server system along with a request for service, as in Applicant's claim. In fact, nothing in either cited reference describes sending a request for service to an application server or application component with or without a quality of service context.

The Examiner submits that it would have been obvious to one of ordinary skill in the art to have implemented Patel's feature of inserting the quality of service labels into each packet into Herzog's differentiated quality of service system, suggesting that Patel's feature would enable Herzog's system to enforce quality of service "in a highly scalable, flexible, and end-to-end network" and citing Patel, column 3, lines 66-67. Applicant notes that the techniques disclosed in Herzog (which may or may not be applicable "in a highly scalable, flexible, and end-to-end network") include a completely different method of enforcing the differentiated treatment of data packets, i.e. using a hierarchical policy rule set. Therefore, there would be no reason to look to Patel for a different method of enforcing such differentiated treatment. Furthermore, there is nothing in either reference to suggest that changing Herzog's method for enforcing the differentiated treatment of data packets could be modified such that tags or labels corresponding to different flow identifiers (which are not included in Herzog's system) were added, nor that such a change would make the communication network described by Herzog any more scalable or flexible, as the Examiner implies. In addition, if the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious." *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959). Thus, one of ordinary skill would not have combined the teachings of Patel with the teachings of Herzog in the manner proposed by the Examiner. Finally, since neither reference teaches or suggests any of the above-referenced limitations of Applicant's

claim (e.g., those involving a request for service that is received from a client, that includes an encoding specifying a current user role, and that is sent along with a quality of service context established based on the current user role to an application server or application component), the suggested combination would not result in Applicant's claimed invention.

For at least the reasons stated above, Applicant asserts that the Examiner has failed to establish a *prima facie* rejection of claim 1.

Claims 10 and 19 include limitations similar to claim 1, and were rejected for similar reasons. Therefore, the arguments presented above apply with equal force to these claims, as well.

Applicant asserts that numerous ones of the dependent claims recite further distinctions over the cited art. Applicant traverses the rejection of these claims for at least the reasons given above in regard to the claims from which they depend. However, since the rejections have been shown to be unsupported for the independent claims, a further discussion of the dependent claims is not necessary at this time. Applicant reserves the right to present additional arguments.

## CONCLUSION

Applicant submits the application is in condition for allowance, and an early notice to that effect is respectfully requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5681-90800/RCK.

Respectfully submitted,

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